

Application No. 10/588,739
Amdt. dated Dec. 29, 2008
Reply to Office Action dated Aug. 25, 2008

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Amendments to the Drawings:

Submitted herewith are two (2) replacement sheets respectively comprising Figures 2 and 3, which are to be substituted for the two (2) corresponding sheets of drawings, also respectively comprising Figures 2 and 3, as originally filed.

Attachment: 2 Replacement Sheets
 2 Annotated Sheet Showing Changes

REMARKS / ARGUMENTS

This Amendment is submitted in full response to the outstanding Office Action of September 25, 2008, wherein claim 1 through 11 stand rejected under 35 U.S.C 103(a) as being unpatentable over Clark (U.S. Patent No. 4,449,746) and McGinley et al. (U.S. Patent No. 4,833,335).

For the reason set forth in greater detailed the above noted outstanding rejections are respectively transverse.

Applicant's Invention

As defined in the claims now present in this application, Applicant's invention is directed to a mobile radiation treatment vehicle comprising a patient treatment compartment having at least one radiation shield member which is structured and positioned to prevent at least a portion of the radiation emitted from a radiation treatment device from passing through an interior of the patient treatment compartment to an outside area. Further the treatment device is capable of emitting radiation used in connection with radiation therapy.

As now further recited in the amended, independent claim 2, a mount assembly is structured to support and adjustably positioned the treatment device within the patient treatment

compartment in both a vertical direction and a horizontal direction in order to properly orient and dispose the treatment device relative to the patient being treated as well as the type of radiation therapy being performed. In addition, a shield of partition member is adjustably positioned in the patient treatment compartment in a shielding position between the treatment device and a user. As such, the shielded partition member is movably position relative to the treatment device and the user so as to assure that the user's exposure to radiation emitted from the treatment device during the patient treatment procedure is reduced. Proper antecedent basis for these claimed features are found throughout the specification, specifically including the descriptive text found on page 10.

Moreover, amended, independent, claim 6, as well as additional claims dependent thereon, define the method for providing radiation therapy comprising the preparing of a mobile radiation treatment vehicle having the operative and structural components as substantially defined in amended, independent claim 2, as set forth above.

References of Record

In support of the outstanding rejection under 35 U.S.C.

103, the Examiner relies on the reference to Clark which teaches a mobile radiation treatment vehicle including a patient treatment compartment for housing a CT scanner. The Examiner further contents that the Clark reference discloses a shielded partition member collectively referred to as walls 28, doors 11, 29 and 55 as well as window 27. The Examiner recognizes that Clark fails to teach a radiation device specifically structured to perform radiation therapy, such as in the treatment of a cancer patient. However, the Examiner combines the Clark reference with McGinley et al. and relies on the disclosure therein of a shielded door for radiation therapy rooms.

However, there is no specific or suggestive teaching in either Clark or McGinley et al. of a radiation device mounted within and carried by a mobile vehicle, which is used for radiation therapy in the treatment of patients, requiring such radiation therapy. Clearly the CT scanner discussed at length in the Clark reference is exclusively used for diagnostic purposes, as set forth in column 1, lines 51 through 60. Accordingly, the CT scanner of Clark, even when considered in combination with the shielded door of McGinley et al., would not suggest to a skilled artisan the use of a treatment device for performing radiation therapy in a patient which is mounted

within a mobile radiation treatment vehicle. Similarly, the vehicle of Clark and the facilities contained therein are meant to be used **exclusively** for the diagnosis of various types of medical conditions and thereby determine the overall health of the patient.

A thorough review of the Clark reference as applied by the Examiner and considered either singularly or in combination with McGinley et al. fails to disclose a shielded partition member having the structural and operative features of Applicant's shielded partition member as now defined in amended, independent claims 2 and 6. More specifically, neither Clark nor McGinley et al. disclose or suggest a treatment device associated with a mount assembly structured to support and adjustably positioned the treatment device within the patient treatment compartment in both a vertical direction and a horizontal direction. In addition, neither the cited references on which the Examiner relies discloses a shielded partition member capable of being movably positioned in the patient treatment compartment in a shielding position between the treatment device and a user or operator. As such Applicant's claimed shielded partition member may be movably position relative to the treatment device and the user for the purposes of reducing the user to exposure of

radiation.

As set forth above, the Examiner indicates that walls 28, doors 11, 29 and 55 and window 27 of Clark represent Applicant's claimed shielded partition member. However, none of these Clark structures, except window 27, are disposed in a shielding position between a treatment device and a user or operator. Further, the walls 28, doors 11, 29 and 55 **and including the window 27** of Clark are not movable within the patient compartment. More specifically, column 2 of the Clark reference discloses a lead glass window 27, which by all descriptive accounts, **is fixed** relative to the procedure room 16 and the control room 18.

Further the CT scanner 24 of the Clark reference, as outlined detailed in column 3, includes a fixed, anchored mounting or attachment to the floor, wherein both the patient table 35 and the scanner gantry 37 are fixedly or securely anchored as indicated.

Conclusion

Based on the above amendments and remarks reconsideration of this application is hereby requested. For the reasons set forth above it is believed that this application is now in

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condition for allowance and such action is respectfully requested.

In addition, a request for an appropriate extension of time is enclosed herewith along with the corresponding PTO fee. In the event that any additional fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credits to our **Deposit Account No. 13-1227**.

Respectfully Submitted,

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APPENDIX

11

20

22

24

26

28

30

32

34

36

38

35

12a

12b

12c

18

Change

2b Change indicated
reference numeral
34 to 35 in FIG 2

3/4

FIG. 3

*Change reference
numeral 34 to 35
in Fig 3*

